

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DANYELL THOMAS, RASHAUN F. FRAZER,
ANDRAE WHALEY and ELENI MIGLIS,
individually and on behalf of all other employees
similarly situated

Plaintiffs

v. : Civil Action No. 16-cv-8160
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BED BATH AND BEYOND, INC. :

Defendant.

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SUPPLEMENTAL DECLARATION OF JUDY COHEN

I, Judy Cohen, based on my personal knowledge of the facts stated herein, testify by Declaration as follows:

1. I am over the age of 18 and am otherwise competent to testify to the matters contained in this Declaration, and if so called, would testify to the facts below.
2. All of the statements in this Declaration are true and accurate to the best of my knowledge.
3. I am a Regional Human Resources Director for the Northeast Region of BBB.
4. One of the opt-in Plaintiffs in this action, Guy-Robert Desir, works in my stores as an Assistant Store Manager. Another opt-in Plaintiff, Bryan LaForest, previously worked in one of my stores as an Assistant Store Manager.
5. When Assistant Store Managers warn or discipline associates, they must do so in writing, and copies of the same are maintained in the personnel files of the associates that receive the warning or discipline. Assistant Store Managers are also required to complete performance

reviews for the associates they supervise, copies of which are also maintained in the personnel files of the associates that receive the performance reviews. Assistant Store Managers also assist in hiring and firing store associates. Copies of documents relating to an associate's termination are maintained in the personnel files of the associate. Attached hereto as Exhibit 1 are true and accurate copies of documents from various associates' personnel files of LaForest's disciplining, reviewing, and/or terminating associates.

6. Assistant Store Managers are given performance reviews by their Store Manager. Copies of their performance reviews are maintained in the Assistant Store Manager's personnel file. Attached hereto as Exhibit 2 is a true and accurate copy of one of LaForest's performance reviews.

7. When Assistant Store Managers are warned or disciplined, Store Managers usually document the discipline and a copy of the warning or discipline is maintained in the Assistant Store Manager's personnel file. Desir and LaForest were disciplined on more than one occasion. True and accurate copies of discipline related documents from Desir and LaForest's personnel files are attached hereto as Exhibit 3.

8. Prior to becoming an Assistant Store Manager, Desir was a Department Manager in one of my stores. Upon being hired, Desir received and signed a Department Level Manager Compensation acknowledgement ("DM Compensation Acknowledgement"). A true and accurate copy of Desir's signed DM Compensation Acknowledgement is attached hereto as Exhibit 4.

9. While a Department Manager, Desir was also given a Notice and Acknowledgement of Pay Rate form ("Annual Pay Acknowledgement") pursuant to the New York Wage Theft Prevention Act. Desir signed Annual Pay Acknowledgements. True and

accurate copies of Desir's signed Annual Pay Acknowledgement forms are attached hereto as Exhibit 5.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12 day of May, 2017.

By: 
Judy Cohen
Regional Human Resources Director
Bed Bath and Beyond Inc.